

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

Commonwealth Edison Company	)	
	)	00-0259
Petition for expedited approval of	)	
implementation of a market-based	)	
alternative tariff, to become effective on	)	
or before May 1, 2000, pursuant to	)	
Article IX and Section 16-112 of the	)	
Public Utilities Act	)	
	)	(cons.)
Central Illinois Public Service Company	)	
Union Electric Company	)	
	)	00-0395
Petition for approval of revisions to	)	
market value tariff, Rider MV	)	
	)	
Illinois Power Company	)	
	)	00-0461
Proposed new rider MVI and	)	
revisions to rider TC.	)	

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**COMMONWEALTH EDISON COMPANY’S RESPONSE  
TO MOTION OF ILLINOIS INDUSTRIAL ENERGY CONSUMERS  
FOR REOPENING THE RECORD AND CONDUCTING ADDITIONAL HEARINGS**

Commonwealth Edison Company (“ComEd”) hereby responds to the Motion of the Illinois Industrial Energy Consumers (“IIEC”) for Reopening the Record and Conducting Additional Hearings (“Motion”). IIEC requests that additional hearings be held to consider the impact of ComEd’s announcement that the Bloomberg exchange will no longer post Into ComEd pricing on ComEd’s proposal. *See* Motion at 2. As explained in detail below, such hearings are unnecessary, and IIEC’s request does not satisfy the Illinois Commerce Commission’s (“Commission”) standard for reopening the record. Accordingly, the Motion should be denied.

1. First, IIEC complains that ComEd announced that the Bloomberg exchange would no longer post Into ComEd pricing after the record was marked heard and taken. *See id.* at 1. As explained in ComEd's letter, this development did not occur until November 21, 2000 and ComEd's letter was sent the very next day. *See* Motion at Exhibit A. If IIEC believed that this announcement was significant enough to require reopening the record, it had a month before the Hearing Examiner's Proposed Order ("HEPO") was issued to file its motion or seek additional evidence relating to this issue. Instead, IIEC did nothing until a similar motion was filed by NewEnergy Midwest, L.L.C. ("NewEnergy"). It is obvious that IIEC did not view the Bloomberg announcement as sufficient cause by itself to reopen the record, but rather that it decided to try to relitigate its own issues in the event NewEnergy's motion was granted. Clearly, IIEC has not shown good cause to reopen the record. In any event, ComEd is willing to offer its November 22, 2000 letter into evidence as a late-filed exhibit to complete the record.

2. Second, the announcement regarding Bloomberg relates only to the Into ComEd exchange. As ComEd indicated in its Brief on Exceptions filed today, it is willing to accept the HEPO's modification requiring the use of the Into Cinergy exchange—an exchange that IIEC has repeatedly voiced support for in this proceeding. In the event the Commission approves the Into Cinergy exchange, this issue will, accordingly, be moot.

3. Finally, IIEC's suggestion that the parties should continue to work together to develop a composite market index would accomplish nothing. Despite having two years to formulate a proposal, IIEC has never provided any specifics with regard to its purported "approach." Rather, IIEC's approach would deny the substantial benefits associated with the market index methodology to a great number of customers. The benefits to these customers

should not be denied so that the small group of large users represented by IIEC can maximize their PPO savings. *See* ComEd Reply Br. at 5; Staff Br. at 8-9.

WHEREFORE, for all of the above reasons, ComEd respectfully requests that the Hearing Examiner deny IIEC's Motion for Reopening the Record and Conducting Additional Hearings.

Respectfully Submitted,

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Dated: January 12, 2001

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**NOTICE OF FILING**

TO: SERVICE LIST

PLEASE TAKE NOTICE that on this date we have electronically filed with the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706 Commonwealth Edison Company's Response to Motion of IIEC for Reopening the Record and Conducting Additional Hearings in the above captioned matter.

DATED this 12<sup>th</sup> day of January, 2001.

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**CERTIFICATE OF SERVICE**

I, Courtney A. Rosen, an attorney, certify that I caused copies of the attached Commonwealth Edison Company's Response to Motion of IIEC for Reopening the Record and Conducting Additional Hearings to be served on each of the interested parties by email and Federal Express, this 12<sup>th</sup> day of January, 2001.

\_\_\_\_\_  
Courtney A. Rosen

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